

## REMARKS

### Amendment to the Specification

Applicant amends the specification to list the correct NSF grant number. The paragraph being amended was not in the application as filed but was added in the response filed on December 12, 2002.

### Priority Claim

Applicant notes that the PTO-326 forms that accompanied the first and second (final) office action do not acknowledge the priority claim to U.S. Provisional Application 60/135,683 filed May 24, 1999. This priority claim is acknowledged on the filing receipt.

Applicant requests that the next communication acknowledge this priority claim.

### Interview Summary

Applicant thanks the Examiner and his colleagues for attending the interview and demonstration of the invention on November 18, 2003 at the Patent Office.

Applicant understands that the Examiner now agrees that the claimed subject matter is patentably distinct from the disclosure of *Sugino* because *Sugino* lacks teaching or suggestion of either a design graph or a performance graph.

The Examiner also agreed to withdraw most of the remaining section 112 rejections that were not addressed in the interview of June 25, 2003. The only section 112 rejections remaining in this application are those relating to random variables (claim 5) and also to the range of allowable values (claim 11). The Examiner listened to Applicant's argument concerning these remaining section 112 rejections and agreed to consider the matter further.

### Claim amendment

Applicant proposes an amendment to claim 1 that was agreed upon at the interview of November 18. The proposed amendment enhances the readability of the claim.

Applicant : Kazmer et al.  
Serial No. : 09/578,108  
Filed : May 24, 2000  
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Attorney's Docket No.: 07880-082001 / UMA 00-03  
Kazmer

**Summary**

A Notice of Appeal was filed on August 12, 2003. No appeal brief has been filed. To maintain pendency of this application, Applicant encloses a petition for extension of time and accompanying fee for the period between October 13, 2003 and December 12, 2003. No additional fees are believed to be due in connection with the filing of this amendment. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050.

Respectfully submitted,

Date: December 2, 2003

  
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